

**AMANDA L. IRELAND, ESQ.**

Nevada Bar No. 13155

**IRELAND LAW GROUP, LLC**

7854 West Sahara Ave.

Las Vegas, Nevada 89117

T: (702) 427-2110

F: (702) 441-7637

E: [amanda@irelandlawgroup.com](mailto:amanda@irelandlawgroup.com)

and

**GABRIEL L. GRASSO, ESQ.**

Nevada Bar No. 7358

**GABRIEL L. GRASSO, P.C.**

411 South 6<sup>th</sup> Street

Las Vegas, NV 89101

T: (702) 868-8866

F: (702) 868-5778

E: [gabriel@grassodefense.com](mailto:gabriel@grassodefense.com)

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

SARA KIM NGUYEN, individually,

Plaintiff,

vs.

LANE F. SMITH, M.D., individually; SMITH SALON, LLC dba Chic La Vie, a Limited-Liability Company; SMITH PLASTIC SURGERY INSTITUTE, PC, a Professional Corporation; SMITH PLASTIC SURGERY BUILDING LLC, a Limited-Liability Company; ROE ENTITIES I – V, inclusive,

Defendants.

Case No.: 2:21-cv-00213-KJD-BNW

**MOTION FOR A FINAL TWO-DAY  
EXTENSION OF TIME TO FILE  
REPLY IN SUPPORT OF MOTION  
TO SEAL OR STRIKE**

**(Third Request)**

Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rules IA 6.1, 6.2, II 7-1, Defendant Lane F. Smith, M.D. (hereinafter “Dr. Smith”) by and through his counsel of record, Amanda L. Ireland, Esq. and Gabriel L. Grasso, Esq., respectfully requests the Court grant his Motion for a final two-day extension of time to file his to Reply to his Motion to Seal Complaint,

1 or in the Alternative, Motion to Strike Scandalous Immaterial Matter (“Motion to Seal or  
2 Strike”) (ECF. No. 9) from the prior stipulated extension of April 9, 2021 until April 11, 2021.

3 The Complaint was filed on February 9, 2021, the Motion to Seal or Strike was filed  
4 February 26, 2021, and a hearing on the Motion is set for May 6, 2021 at 10 am.

5 The parties previously stipulated to extend the time for Plaintiff to respond to the Motion  
6 to Seal or Strike from March 12<sup>th</sup> until March 22<sup>nd</sup>, (ECF. No. 13) granted on March 15, 2021.  
7 (ECF. No. 14.) Notwithstanding the extension to March 22<sup>nd</sup>, Plaintiff filed her Opposition on  
8 March 16<sup>th</sup>. (ECF. No. 15). When counsel participated in the Local Rule 26(f) conference on  
9 March 22, 2021, they agreed an extension for Dr. Smith’s Reply was appropriate as a matter of  
10 professional courtesy, and on March 23<sup>rd</sup> the parties submitted their first request and stipulation  
11 to extend the time for Defendant to file a Reply to his Motion to Seal or Strike from March 23<sup>rd</sup>  
12 until April 6<sup>th</sup>. (ECF No. 18). Subsequently, an Order was entered March 30, 2021 (ECF No. 21)  
13 setting an Early Neutral Evaluation on May 13, 2021, and a Scheduling Order was entered on  
14 April 2, 2021, (ECF No. 22).

15 On April 10, 2021, the parties submitted a Second Stipulation and Proposed Order to  
16 extend the deadline for the Reply from April 6, 2021 until April 9, 2021, for excusable neglect.  
17 (ECF No. 24). Specifically, defense counsel, Amanda L. Ireland, Esq., suffered a major IT  
18 hardware failure at her home office on April 6<sup>th</sup>, which caused unavoidable delays due to lost and  
19 corrupted files and the disruption of ordering, receiving, and replacing computer equipment. The  
20 Reply was ultimately filed on Sunday April 11<sup>th</sup>.

### 21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 Federal Rule of Civil Procedure 6(b)(1) provides that “[w]hen an act may or must be  
23 done within a specified time, the court may, for good cause, extend the time: (A) with or without  
24 motion or notice if the court acts, or if a request is made, before the original time or its extension  
expires; or (B) on motion made after the time has expired if the party failed to act because of  
excusable neglect. It is within a trial court’s sound discretion to determine whether to grant an  
extension of time. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9<sup>th</sup> Cir. 2012).

1 This third and final request for an extension is made after the expiry of the current  
2 deadline to file the reply to the pending motion to seal or strike, therefore something more than  
3 “good cause” must be shown. Here, Defendant’s neglect in seeking a third extension is excusable  
4 because defense counsel’s IT disruption was unavoidable, and lasted longer than expected, due  
5 to undersigned counsel being a solo practitioner and not the most computer-savvy attorney at the  
6 best of times.

7 This request for an extension is submitted following the filing of Dr. Smith’s Reply brief  
8 on April 11, 2021, but before the parties’ Second Stipulation and Proposed Order submitted on  
9 April 10<sup>th</sup> was granted.

10 Under the circumstances, a final two-day extension over a weekend is reasonable.  
11 Plaintiff will not be prejudiced or inconvenience by the granting of this motion. But denial of the  
12 motion would cause undue prejudice to Dr. Smith, since the delay was solely due to the neglect  
13 of his counsel.

14 To avoid further delay, this request was submitted via motion, but defense counsel does  
15 not anticipate an opposition from Plaintiff, since the Reply was filed on the weekend and the  
16 Motion is not set to be heard until May 6, 2021.

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1 Based on the foregoing, Dr. Smith respectfully requests the Court grant him this third and  
2 final two-day extension from April 9, 2011 until April 11, 2021, to file his Reply in support of  
3 his Motion to Seal or Strike.

4 DATED this 12<sup>th</sup> day of April 2021.

5 IRELAND LAW GROUP, LLC

6 /s/ Amanda L. Ireland

7 AMANDA L. IRELAND, ESQ.

8 **Ireland Law Group**

7854 West Sahara Ave.

Las Vegas, Nevada 89117

9 Tel: (702) 427-2110

Fax: (702) 441-7637

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11 GABRIEL L. GRASSO, ESQ.

GABRIEL L. GRASSO, P.C.

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13 Las Vegas, NV 89101

14 *Attorneys for Defendants*

15 **IT IS SO ORDERED:**

16 **Dr. Smith's Motion for a final two-day Extension of**  
17 **Time to File his Reply to his Motion to Seal or Strike**  
18 **until April 11, 2021 is hereby granted.**

19 

20 **UNITED STATES DISTRICT JUDGE**

21 **Dated: April 20, 2021**